IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 15 of 2005

Between:

P. Veerabai W/o Rayappa
R/o D. No. 5-1-281, Muthyalamma Temple Centre, Church Compound Khammam

..... PETITIONER

AND

1 The Municipal Commissioner, Khammam Municipality, Khammam
2 The Mandal Revenue Officer, Khammam

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in demolishing the steps of the building bearing D. No. 5-1-281 and 5-1-280 situated at Muthyalamma Temple Centre, Church Compound, Khammam and taking steps to demolish the compound, wall without issuing notice and without initiating proceedings under the Land Acquisition Act as illegal arbitrary and violative of Article 300-A of the Constitution of India and Consequently direct the respondents not to demolish the building of the petitioner.

Counsel for the Petitioner:G.JHANSI

Counsel for the Respondent No.1: MR. RADHAKRISHNA RAO, Standing Counsels

Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the admission stage made the following ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the first respondent. Both the counsel agreed to dispose of the writ petition at the admission stage itself.

The petitioner, who claims to be the owner of house property bearing D.Nos.5-1-281 and 5-1-280/1 situated at Muthyalamma temple Centre, Church Compound, Khammam, filed the present writ petition complaining that without issuing any notice to her, the respondents are trying to demolish the steps of the above said building for the purpose of widening of the road. Hence, the present writ petition.

This court in a catena of decisions categorically held that as and when the Municipal Corporation undertakes road widening work, necessary procedure as contemplated under the law has to be followed for acquiring the land and shall obtain consent of the property owner. Then only, they can take possession of the property for widening of the road. Until such procedure is followed, the petitioner cannot be dispossessed or deprived of the property.

In view of the same, the respondents are hereby directed not to dispossess the petitioner or demolish the property in question without following the due procedure as contemplated under the law, if not already demolished.

The writ petition is accordingly disposed of. No costs.

5th JANUARY, 2005.

Kvni

To

1 The Municipal Commissioner, Khammam Municipality, Khammam
2 The Mandal Revenue Officer, Khammam

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.